

REMARKS:

At the time of the Final Office Action, claims 1-6, 8, 15, 17 and 19 were pending and considered by the Examiner. All of the pending claims stand rejected. Claims 1-6, 8, 15, 17 and 19 remain pending.

The claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over Szonn (U.S. Patent No. 3,368,806), in view of Niese (U.S. Patent No. 5,303,526). This rejection is traversed for at least the following reasons.

This communication is being filed in response to the Advisory Actions noted above. Since it appears the Examiner is close to allowing the case (see the Advisory Action dated December 8, 2006), this Response is being filed to further explain the arguments previously made (and as reproduced below) in lieu of filing a Notice of Appeal. Should the Examiner still have questions regarding the allowance of the pending claims, it is respectfully requested that the Examiner call the undersigned to discuss this case in more detail before the Applicants are put to the expense of filing a second Notice of Appeal.

As best as can be determined, the Examiner correctly finds that Szonn does not include the claimed indentation. However, the Examiner continues to look to Niese to provide the missing link. However, as further explained below, Niese does not teach the claimed indentation and trapped sound area. Even though the claims are open ended and there is no reason not to read an attachment element on the claims as stated by the Examiner, this makes no difference in regards to interpreting the teachings of the prior art in view of the claimed invention. The claims set forth the structural limitations of the indentation and trapped sound area, and Niese simply does not include the claimed indentation and trapped sound area. As further argued below, Niese provides a device that includes an attachment member. Whether the claims can be construed to read on a device with an attachment member (as suggested by the Examiner) does not mean that the structural limitations of the indentation and trapped sound area can be ignored. In

sum, Niese does not teach a bumper member and a trapped sound area as recited in the claims.

Moreover, just because the prior art may teach the use of bumper devices with indentations does not mean the claims are not patentable. The Examiner has failed to point to any single reference or combination of references that include all of the limitations recited in the claims.

It is respectfully requested that the Examiner reconsider the arguments made herein. If the Examiner is not persuaded to pass this case to allowance, in the interest of clarifying issues for appeal should an appeal be necessary, it is respectfully requested that the Examiner further explain why the claims, in his opinion, are not patentable over the proposed combination of Szonn and Niese. For example, if the Examiner continues to modify Szonn with Niese, it is respectfully requested that the Examiner point to all of the claimed limitations as may be found, in his opinion, in the proposed combination.

In response to the Amendment submitted on June 29, 2006, the Examiner is still of the opinion that the combination of Szonn and Niese renders the claims obvious. The Examiner recognizes that Niese provides an indentation in a bumper body for the purpose of providing means for attachment of an additional element to the bumper body. However, the claims recite only an indentation and not a means for attaching elements to the bumper. To accommodate this difference between the claimed invention and Niese, the Examiner improperly removes the attachment element of Niese (i.e., (20a)) to modify Szonn. As is well understood, there must be a basis in the art for combining or modifying references. References are not properly combinable or modifiable if their intended function is destroyed. If a reference teaches away from the claimed limitation, obviousness cannot be found.

Niese provides that each mount (18) includes a glide member (20) which is substantially noncompressible (col. 6, lines 25-29). Moreover, Niese goes on to say that in addition to facilitated interconnection of the panels (11), the slidable guide members

(20) are rigid enough to protect the rubber material of a pad (24) during interconnection and disconnection of the floor sections (11) (col. 6, lines 42-46). Each of the mounts (18a) is rendered slidable with respect to the base (19) by a rigid glide member (20a) located below the apex portion (27) and embedded within the pad (24) (col. 7, lines 38-49). Thus, the glide member of Niese is an important part of the device described therein and one of ordinary skill in the art would not think to remove it as the device would no longer function in the manner intended. Without the glide member, the pad would not function as intended. Thus, it is respectfully argued that it is improper for the Examiner to remove the glide member of Niese when considering the teachings thereof. For at least this reason, the claims are patentable over the proposed modification.

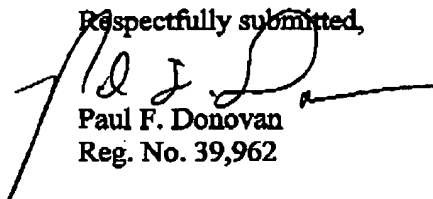
In addition, in the rejection, the Examiner opines that it would have been obvious at the time the invention was made for one skilled in the art to modify Szonn for the purpose of providing means for attachment of an additional element to the bumper body as desired. However, what does this have to do with the invention? The invention does not concern, nor is it desired according to the invention, to attach an additional element to the bumper body as taught by Niese. Accordingly, it is respectfully argued that this teaching of Niese is simply not relevant to the present invention as claimed.

Lastly, the claims further recite that the indentation defines a trapped sound area when the bumper device is subjected to a compressed state. The Examiner fails to point to any teaching in the prior art where this limitation is met. Simply saying it is so or finding it obvious is not enough. The Examiner's reliance on an indentation from Niese is improper for the reasons provided above. In sum, the indentation of Niese cannot be separated from the glide member. Even if one could argue that an indentation may inherently provide a trapped sound area, the claims recite additional structure to provide that the indentation defines a trapped sound area when the bumper device is subjected to the compressed state. Nowhere is this limitation found in the cited references. Certainly, Niese does not provide such limitations because the mount includes the glide member. Thus, for at least these additional reasons, the claims are patentable over the suggested modification.

Reconsideration and allowance of all the pending claims is respectfully requested. As previously requested, given the extensive prosecution in this case, in the event that there are any remaining issues that need to be addressed, in order to expedite the prosecution of the subject application, the undersigned respectfully requests that the Examiner telephone him at the number provided below.

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Respectfully submitted,



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